

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SHAWN A. JOHNSON,)
Plaintiff,)
v.)
SEARS ROEBUCK AND CO.,)
Defendant.)
No. 4:11CV679 AGF

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's motion for leave to proceed in forma pauperis. After reviewing the financial information provided with the motion, the Court has determined that Plaintiff is unable to afford the filing fee, and the motion will be granted. The Court is required to review all complaints that are submitted in forma pauperis and to dismiss them if they are frivolous, malicious, or fail to state a claim upon which relief can be granted.

The Court has reviewed the complaint and has determined that it fails to comply with Rule 8 of the Federal Rules of Civil Procedure. Rule 8 requires a complaint to contain “a short and plain statement of the claim showing that the pleader is entitled to relief; and . . . a demand for the relief sought, which may include relief in the alternative or different types of relief.” Fed. R. Civ. P. 8(a). Plaintiff has failed to include a short and plain statement of her claim in the pleading, and she has further failed to include a demand for relief. Although Plaintiff was required to attach a copy of the charge of discrimination filed with the Equal

Employment Opportunity Commission, the attachment of that document does not eliminate the need of Plaintiff to state her claim and her demand for relief sought.

Because Plaintiff is proceeding pro se, the Court will allow Plaintiff to file an amended complaint. Plaintiff shall have thirty days from the date of this Order to file an amended complaint. Plaintiff is warned that the filing of an amended complaint replaces the original complaint, and claims that are not realleged are deemed abandoned. E.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation, 396 F.3d 922, 928 (8th Cir. 2005). If Plaintiff fails to file an amended complaint within thirty days, the Court will dismiss this action without prejudice.

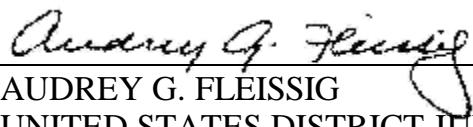
For Plaintiff's convenience the Court will direct the Clerk to send Plaintiff a copy of the Court's form Employment Discrimination Complaint. Plaintiff should complete each section of the form.

Accordingly,

IT IS HEREBY ORDERED that the Clerk shall mail to Plaintiff a copy of the Court's form Employment Discrimination.

IT IS FURTHER ORDERED that Plaintiff shall file an amended complaint within thirty (30) days of the date of this Order.

Dated this 26th day of April, 2011.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE